IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 11 OF 2004

SMT. FILOMENA PEREIRA,RAIA,SALCETE-GOA. ....Petitioners

Versus

STATE(THROUGH LD.PUBLIC PROSECUTOR) & ANR., ...Respondents

Shri A. D'Silva, Advocate for the Petitioner.

Shri S.D. Lotlikar, Senior Advocate with Ms. S. Naik, Advocate for the Respondent No.2.

Coram:- V.M. KANADE, J.

Date:- 13th July, 2005

P.C.:

Heard learned counsel appearing on behalf of the petitioner. He submits that he has been informed that the petitioner expired couple of months ago and it was not possible to contact the legal heirs of the petitioner as they are staying abroad. The petition has been filed by the petitioner, challenging the Order passed by the Executive Magistrate to drop proceedings which were filed by the petitioner under Section 133 of Cr.P.C. This order was challenged by the petitioner in the Sessions Court. However, the Sessions Court confirmed the order of the Executive Magistrate and dismissed the Criminal Revision Application filed by the petitioner. This Criminal Writ Petition has been filed challenging the aforesaid two orders.

The learned counsel appearing on behalf of the respondent has submitted that the legal representatives of the petitioner and the respondent No.2 have amicably settled the matter. He has produced a copy of the Judgment and Order passed by the Deputy Collector and Rent

Controller, South Goa, Margao in which the petitioner herein had agreed to hand over the vacant and peaceful possession of the tenanted premises on 12.6.06.

In this view of the matter, nothing survives in the present Criminal Writ Petition and the Criminal Writ Petition is disposed of as it has become infructuous.

V.M. KANADE, J.